

## ***9 Official Opinions of the Compliance Board 271 (2015)***

### **◆ 7(B) COMPLIANCE BOARD OPINIONS: DISPUTES OF FACT, NOT RESOLVED**

**\*Topic numbers and headings correspond to those in the Opinions Index (2014 edition) at [http://www.oag.state.md.us/Opengov/Openmeetings/OMCB\\_Topical\\_Index.pdf](http://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Topical_Index.pdf)**

---

September 18, 2015

Re: Town Commission, Town of Barclay  
William E. Wallace, *Complainant*

Complainant William E. Wallace alleges that the Town Commission of the Town of Barclay has violated the Open Meetings Act by holding undisclosed closed sessions. Complainant states that the commissioners have regularly met in public but then, after adjourning that session, have asked the public to leave, locked the doors, and continued to discuss public business. Complainant has since been elected to serve on the Commission.

The Town Attorney responded on the Commission's behalf. She states that she does not regularly attend the Commission's meetings but that the town manager "confirmed that the Commissioners have never locked the doors after a meeting and told everyone to leave, while remaining inside to discuss matters." The Town Attorney also states that she has since met with the commissioners to confirm their understanding of the requirements of the Act and of the fact that the presence of any two commissioners creates a quorum of this three-member entity. The Commission has designated a member and an employee to take training in the Act, and they have taken the open meetings course that is offered at the Maryland Municipal league conferences.

The submissions yield two different versions of what happened at the meetings that Complainant attended as a member of the public, and we are unable to choose among them. While we wish that the Commission's response had provided some information that might explain the Complainant's perception that the commissioners were excluding the public from a meeting, two circumstances make it unnecessary for us to give advice on the alleged practices: first, Complainant is now a commissioner and thus in a position to help the Commission meet the Act's requirements, and, second, the Town Attorney has reviewed those requirements with the commissioners.

In conclusion, we are unable to resolve the complaint. We commend the measures that have been taken to ensure compliance with the Act.

Open Meetings Compliance Board

*Jonathan A. Hodgson, Esq.*

*April Ishak, Esq.*